

Approved: May 24, 2010

Calais Committee on Unmapped and Unmaintained Roads
Draft Minutes from the March 15, 2010 meeting
Calais Elementary School

Committee members present: Darby Bradley (chair), Charlotte Bassage, Reed Cherington, Gail Graham, Paul Hannan, John Meyer, Warner Shed, and Eric Sorenson (minutes)

1. Darby convened the meeting at 7:05 pm.
2. Committee members introduced themselves.
3. Members of the public attended the meeting introduced themselves. Nine people attended, including John Brabant of the Calais Selectboard.
4. Darby distributed information packets to each member, including the Selectboard's charge to the Committee, background on the ancient roads, and copies of an annotated map of Calais Roads including the unmapped and unmaintained roads.
5. The committee discussed the Selectboard's charge to developing a list of roads for "mass discontinuance". According to attorney Paul Gilles, as reported by Darby, a "mass discontinuance" is an all or nothing proposition. The Selectboard can discontinue all invisible roads in one procedure prior to July 1, 2010, but it cannot choose to discontinue some and keep some, under the "mass discontinuance" process. Paul agreed with that interpretation. Because of this, Darby proposed to report to the Selectboard that the Committee cannot meet its first charge regarding mass discontinuance, as the Committee does not know where all the invisible roads are now and therefore cannot be deliberate in reviewing the public benefit or other characteristics of each.
6. Assuming that the Selectboard would use a regular (rather than a mass) discontinuance process, Darby proposed a set of criteria for which ancient roads would be initially considered by the Committee and the process for reviewing these roads. Roads to be considered initially are the 19 included on the "short rural spurs" list. Of these 19, those that have involve one landowner, are less than 0.25 mile, are not visible upon inspection, and have no public benefit may be candidates for discontinuance. The Committee agreed to start by reviewing all the roads on the "short rural spur" list, including those over 0.25 mile. The proposed procedure for the Committee for review of each of these 19 ancient roads is: 1. Make initial contact with the landowner; 2. examine the file in the town clerk's office; 3. investigate the area and walk the road if it is visible; and 4. report back to the full Committee on the findings.

Paul gave a brief overview of the legal process for discontinuance of ancient roads, including notice to landowners, notice to lienholders, public hearing, walking the road, and notice to VTRANS and Forests and Parks Dept.

Reed pointed out that invisible roads do not require Selectboard action through the discontinuance process to be abandoned by the town. Invisible roads that are not addressed by the town before July 1, 2015 would automatically be discontinued under Act 178.

John Meyer pointed out that it is not necessary to have separate hearings for each ancient road to be discontinued. There could be one hearing, as long as all the other notice requirements are carried out prior to the hearing.

The Committee reviewed the location of the 19 ancient roads on the "short rural spur" list on the annotated Calais road map.

Gail pointed out that the Shubel Shortt Spur (number 16 on the list) may be part of the Silas Hathaway Road (number 10 on the "longer spurs and other anomalies" list and these two should be combined. The Committee agreed to address these two together later with the rest of the longer spurs list.

The Committee agreed with Darby's proposal to use the short spur list with the modifications discussed and to use the four-step procedure for review. Darby, with input from John Meyer, will make paired Committee member assignments to review the short spur roads. The assignments will combine Members with differing backgrounds.

7. Comments from the attending public:

Ken asked for Darby to describe his background and how he came to be chair of the Committee.

Jody Bayne asked that if the town of Calais does nothing about ancient roads, will all the roads be abandoned after 2015. Darby responded that this only applies to those roads that are invisible on the land.

Ken stated that it is unfair to landowners who bought properties with an expectation that they had clear titles without encumbrances and now the town could put a public trail through their properties if an ancient road is present.

Laura Thompson wanted to hear from someone on the Committee that wants the ancient roads to be retained by the town. She wanted to know why the town wants these roads. She asked specifically to hear from Paul. Darby referred to the Selectboard as who will make any final decision about the town's interests. Paul stated that he wants a deliberative process to review the public values of the roads.

Ms. Jill Schultz asked if there is a list of all landowners that are associated with each ancient road. Darby responded that there is not, the Committee is just beginning this process, and one of the first steps will be to identify landowners so they can be contacted.

Josh Schultz stated that he thinks there is time for the Committee to investigate and describe all invisible roads so that they could be addressed in a mass discontinuance. He also recommended that the Committee go to the first couple of sites together so that the Committee develops better consistency in review. He supported the proposal of having Committee members with differing backgrounds in the pairs set up for reviews.

John Brabant gave some additional background on his views of the mass discontinuance process and how it has changed since 2006. He also raised a question of whether an invisible road could be legally discontinued before 2015, since the formal discontinuance process requires the selectboard to walk the road from end to end.

John Brabant stated he thought it would be more useful to review the criteria for deciding on which roads should be discontinued than all of the Committee going to sites together. The Committee discussed again the proposed criteria in number 6 above. John Meyer asked if there is a method for addressing the changes in magnetic north that have occurred over the many years since ancient roads were described in the records. Paul responded that there is a website with this information and he will advise the Committee.

Josh Schultz suggested again that the Committee could spend time initially identifying which roads are invisible and appropriate for mass discontinuance.

8. Committee discussion.

Regarding Josh's final recommendation, the Committee discussed how many ancient roads are invisible on the land. The number is unknown but is likely less than 30 (there are currently 39 roads on both lists). It would be difficult to review all of these roads before the approximately April 15 deadline needed to get information to the Selectboard. Paul thinks that there is at least one ancient road that is invisible on the land but that has public value. Paul thinks the Committee really needs to review the roads individually in order to be deliberative. Pending Darby's further discussion with the Selectboard, there was a general consensus that the Committee would proceed with the process proposed in number 6 above with the understanding that invisible roads could still be discontinued if the town takes no action on them before July 1, 2015.

9. The first site visit by the Committee (two members will not be able to attend) will be Saturday March 20 at 9:00 am – site to be decided.

10. The meeting at the town clerk's office to review the files with Marge Garfield and Sandra Robinson is tentatively set for April 3 at 9:00 am.

11. Darby adjourned the meeting at 8:59 pm.

E. Sorenson, 3/16/2010

Calais Committee on Unmapped and Unmaintained Roads Committee Charge

The committee is charged with bringing recommendations to the selectboard for action on Calais' unmapped roads, as identified by the Ancient Roads Committee, and unmaintained roads which are on the official town highway map. The committee should attempt to review all unmapped and unmaintained roads.

* [First priority will be to develop a list of roads recommended for mass discontinuance under Act 178 of 2006 as amended by Act 158 of 2008. Since this action must be taken by July 1, 2010, the committee shall report back to the selectboard on March 29, 2010 on a process and timeline for determining whether and when to take this action.

In addition, the committee shall:

1. Develop a list of potential actions the town may take regarding each road, beginning with the list developed by the selectboard on February 22, 2010.
2. Develop criteria to guide its consideration of each road using the criteria considered by the selectboard prior to creation of the committee on February 22, 2010 as a starting point.
3. Review the files developed by the Calais Ancient Roads Committee.
4. Walk each of the roads it is considering.
5. Talk with owners of land adjacent to the roads. Where an adjacent landowner is concerned about potential uses of the road, the committee shall attempt to find creative actions, such as relocation or permanent restrictions on the use of the road, which will enable a use of the road which is mutually agreeable to the landowner and Calais citizens.

As the committee develops its recommendations for use of the roads, it shall report to the selectboard which may then hold hearings and take action on one or more roads while the committee continues its work on other roads.

Calais Committee on Unmapped and Unmaintained Roads – Field Review Sheet

Reviewers:

Date of Site Walk:

Name of Ancient Road/Spur:

Length:

General Location:

Names of Landowners:

Contacted?

On Site Walk?

Yes-No

Yes-No

Yes-No

Yes-No

Survey in existence? Yes-No-Uncertain

Record of Selectboard action? Yes-No-Uncertain

Physical evidence of road observable in the field? Yes-No-Uncertain

Comments of the Landowners: (Use extra sheets as needed)

Comments of the Reviewers: (Use extra sheets as needed)

**Reviewers' Recommendation: Discontinue – Retain – Additional Research – No Action –
Other (explain)**

Committee's Recommendation:

Date:

**Calais Committee on Unmapped and Unmaintained Roads
Minutes of Meeting and Site Walk
March 20, 2010**

Committee Members Present: Charlotte Bassage, Darby Bradley, Paul Hannan, John Meyer, Warner Shedd, Eric Sorenson. Also, John Brabant, Bill and Maureen Russell, Liisa Bradley

Nathaniel Hersey Spur. The Committee met at 9 am on Longmeadow Hill Road, at the base of the Russell's driveway which appears on the map as a potential ancient road known as the "Nathaniel Hersey Spur". The Russells had been contacted in advance, and Bill Russell joined in the site walk. The road, which appears to follow the existing driveway, extends 425 feet (more or less) from the south side of the Russell House to Longmeadow Hill Road. Bill Russell reported that the driveway had not been relocated in the 36 years that they have owned the house. He indicated that he would prefer to see the spur discontinued as an ancient road.

No formal vote was taken on what action the Committee will recommend to the Board. That action will be considered at the next meeting on April 17. Darby Bradley indicated that he would recuse himself from the decision, because the Russells had been close friends for many years.

John Bancroft Spur. The Committee then walked to the land owned by Darby and Liisa Bradley and John and Toni Kaeding to look at the possible location of the "John Bancroft Spur", which runs south and west from Longmeadow Hill Road. The Kaedings had been invited, but were unable to attend. The members walked down the newly constructed trail connecting Longmeadow Hill Road to Kaeding Road, until they reached the Ellis cellar hole. No evidence of the spur was observed, although the trail would not appear to follow the same route. Paul Hannan and Eric Sorenson were assigned to investigate the location further and to interview the Kaedings. Darby indicated that he would not participate in the Committee's deliberations and decision relative to the spur, but that he and Liisa were considering granting a trail right-of-way as part of an overall conservation plan for their land.

The Committee members discussed their procedures for visiting other ancient road segments and for contacting landowners for site visits before breaking up at approximately 11:45 am.

Respectfully submitted,

Eric Sorenson

Approved: June 21, 2010

**Calais Committee on Unmapped and Unmaintained Roads
Minutes of Meeting of Saturday, April 17, 2010
Calais Town Hall**

Committee Members Present. Charlotte Bassage, Darby Bradley, Reed Cherington, Gail Graham, John Meyer, Eric Sorenson and Warner Shedd. Absent. Paul Hannan

Others. Marjorie Garfield; Sandra Robinson; Conrad Smith; and five other Calais residents.

The meeting was moved from the Town Clerk's office to the Town Hall to provide more space. The primary purpose of the meeting, which was convened at 9:10 am, was to hear from Marge and Sandra how they had conducted their research into ancient roads in Calais. Marge described at length the research phase which the Calais Ancient Roads Team (CART) began in June 2007 and continued until March 2009. Beginning with the 1799 town meeting when the first roads were formally laid out, they examined town meeting records, minutes of selectboard meetings, deeds and miscellaneous records to find records of known and unknown roads. The references to locations were compared with the Calais Lotting Plan (grid), which was first laid out in 1785, as well as with many historical maps, which show the locations of houses, roads and other features in Calais. Additional information was gathered from various state and archival records.

In all, CART found a total of 272 road records, including alterations and additions to existing roads. Each record was assigned a separate CART number and road intake sheet. Where the record included a survey, the information was processed through a deed plotting program in order to establish the shape of the ancient road, and then compared with known roads within the referenced lot. Segments that were part of roads already on the Calais highway map were placed in a Known Road file. Roads that didn't match up with a known road were placed in an "Anomaly" file along with all documentation of that segment.

CART found a total of 47 ancient roads. Of these, 21 were considered "major", because of their length; 19 were "short spurs" of less than 0.25 miles; 5 had been formally discontinued; 1 was a winter road; and 1 was a "cart" road, being only 2 rods wide.

Due to budget constraints, only the longest of the "major" ancient roads were vetted and placed on a map by Paul Hannan, a licensed surveyor. Paul, Conrad Smith and other volunteers walked these segments, as well as some of the other unsurveyed ancient roads, to discover what evidence existed in the field and, where possible, take GPS readings and photographs to verify the location and conditions.

Marge prepared a written summary of her presentation on the CART research process. A copy is attached to these minutes.

Committee members and members of the public attending then asked questions about the research process. The Committee also asked about some of the specific "short spurs" which it

had investigated to date. The Committee expressed its amazement and gratitude for the immense amount of work that CART and that Marge and Sandra especially had put into the research phase. Marge and Sandra told the Committee that they would continue to be available for consultation, if questions developed over any of the segments. Marge emphasized that mistakes, missing information and uncertainty are inherent in this type of records research, and that even today, corrections are being made as additional information comes to light.

The Committee then discussed its progress on investigating the "short spurs". Most of the teams expect to have completed their assignments by the end of April. The date of Monday, May 24 was set tentatively for the Committee to hear the reports of all the teams, and to decide on the Committee's recommendations to the Calais Selectboard. In the meantime, Darby will review the second list of "longer spurs and anomalies", and will make additional assignments for field visits.

The meeting was adjourned at 11:15 am.

Darby Bradley, Recorder

Approved: June 21, 2010

Calais Committee on Unmapped and Unmaintained Roads
Minutes of Meeting of Monday, May 24, 2010
Calais Town Hall

Committee Members Present: Charlotte Bassage, Darby Bradley (Chair), Reed Cherington, Paul Hannan, Gail Graham, John Meyer, Eric Sorenson and Warner Shedd

Others: Scott Bassage, Denise Wheeler, Rose Pelchuk and Peter Harvey

The meeting was convened at 7:05 pm. The principal agenda item was for the Committee to hear the reports and act on the recommendations of the teams that had been investigating the 20 ancient roads that were on the Calais Ancient Roads Team (CART) list of "Short Spurs". Darby explained the process that the Committee would follow, which included an opportunity for landowners and members of the public present to ask questions or make a statement before the Committee voted on its recommendation to the Calais Selectboard.

Prior to beginning that process, the Committee voted unanimously, upon a motion and second, to approve the minutes of its meetings on March 15, 2010 and March 20, 2010. The minutes of the April 17 meeting will be reviewed at a future meeting.

In the consideration of the Short Spurs, the teams (noted below in parentheses) reported upon the information they found in the CART files, their findings in the field during the site visit, their conversations with the landowners involved, and other observations about the particular spur. This was followed by questions from the other Committee members and from the audience. If the consensus of the group was to follow the team's recommendations, the Short Spur stayed on the list for a single vote at the end. If any Committee member wanted to discuss a Spur at greater length, it was pulled off the list and discussed and voted upon separately at the end of the meeting.

Several Committee members noted how interesting and pleasant an experience their site visits had been. Landowners were almost uniformly interested, helpful and engaged, even when they had had no idea that an ancient road existed on their land and even though in most cases they wanted to see the ancient road discontinued. The members of the Selectboard present expressed their gratitude for the way the Committee had handled the process to date.

At the end of the reports and discussion, the Committee voted, upon motion and second, to recommend that the Calais Selectboard formally discontinue 14 Short Spurs. It also recommended that the Selectboard take no action with regard to the Daniel Parsons Spur, because of its potential coincidental location with #10 Pond Road. The Committee deferred action on five other Short Spurs, pending further mapping and/or field investigation. The Committee's decisions on the 20 Short Spurs and a brief description of its reasoning, were as follows:

Short Spurs Recommended for Formal Discontinuance

1. A. King Spur – off/near Woodbury Mtn. Road (.16 mile)
(Hannan, Meyer) Exact location could not be determined; spur once provided access to a pasture, but goes nowhere; no public benefit in keeping
2. Adams White Road – west off Max Grey Road (.36 mile)
(Bassage, Shedd) No trace of road; no public view or benefit; owners would like to see it discontinued.
3. Carver Road Spur – off Route 14 (.16 mile)
(Graham, Shedd) Crosses Kevin Well's lawn, through a shed and on to a road leading to a town gravel pit; no trace of road except wheel tracks in one short area; no public benefit in keeping.
5. Ezekiel Kent Spur – off Tobey Hill Road (.06 mile)
(Bradley, Hannan) Tobey Hill Road has been relocated; old section was discontinued, leaving the spur disconnected to any public access; spur is not visible.
6. H.J. Jacobs Road – adjacent to West County Road (.08 mile)
(Hannan, Meyer) Not on Woodbury Mountain Road, as first thought; appears to be where the West County Road was relocated to move it to higher ground; no public benefit in retaining.
7. Hackett Road Spur – off West County Road near Woodbury line (.13 mile)
(Bradley, Meyer) Part of spur is used as a snowmobile trail during the winter; road is barred by a chain in summer; road is located entirely within one ownership, and does not lead anywhere.
8. J.D. Bailey Road Spur – off Woodbury Mountain Road (.08 mile)
(Meyer, Sorenson) Spur passes through the owner's house to an old cellar hole; doesn't lead anywhere.
10. Jason Marsh Spur – off North Calais Road, above Gospel Hollow (.03 mile)
(Cherington, Shedd) Extremely short spur that leads to an old foundation which is no longer visible and may have been washed away in a flood.
13. Nathan Templeton Spur – off Haggett Road (.08 mile)
(Bassage, Bradley) Runs for Haggett Road to old foundation, but is impassible due to fact that it crosses 200 feet of beaver swamp; no public benefit in retaining. It was noted that part of this spur is located in East Montpelier, which would have to act separately.

14. Nathaniel Hersey Spur – off Longmeadow Hill Road (.08 mile)
(Committee site visit – Bradley recused himself from the vote) Spur serves as the landowners' driveway; no public benefit in retaining.
15. Richard Tobey Spur – off County Road near Beaver Meadow Brook (.1 mile)
(Bradley, Cherington) Two landowners involved, but no evidence of an ancient road or foundation anywhere; owners prefer discontinuance.
17. Salomon Dodge Spur – north of Adamant Village (.1 mile)
(Cherington, Graham) Spur is the northeasterly fork off a discontinued section of the road to the main Adamant quarry; the Adamant Music School keeps the area gated to ensure privacy for music studios in the vicinity; the spur doesn't lead anywhere.
18. Thayer Road – off West County Road (.25 mile)
(Graham, Sorenson – Meyer recused himself from the vote) Spur once provided access to fields, but now passes through the Meyer house; spur does not continue on to other properties or lead to any point of interest.
19. Fitch-Willard Spur – off Route 14 (.05 mile)
(Bassage, Shedd) There was some initial confusion, because the CART list named two separate spurs as one; this spur once provided access from a house to Route 14; because Route 14 has now been raised substantially, owner has installed a new driveway which makes the spur impassible; owner wants to discontinue.

Short Spur Recommended for No Action

4. Daniel Parsons Spur – off #10 Pond Road (.1 mile)
(Bradley, Hannan) There are three possible locations of this spur, two of which may be co-located with the existing #10 Pond Road; unless a map showing the location of the Daniel Parsons house can be found, it may cause potential problems to discontinue the spur; if the spur is in a different location, it appears to be invisible, and would disappear without Selectboard action on July 1, 2015.

Short Spurs Where Committee Postponed Action Pending Further Investigation

9. Tisdale Hawkins Road – off Stevenson Road (TH #8) (.13 mile)
(Bassage, Sorenson) The team had not yet found a time that is convenient for the landowners to do a site walk together.
11. John Bancroft Road – off Longmeadow Hill Road (.23 mile)
(Hannan, Sorenson) Paul had done some additional map work because the road does not match up with the existing cellar hole; however, the team has not yet had an opportunity to revisit the site.

12. Mason Wheeler Road – off Collar Hill Road (.36 mile)
(Cherington, Graham) After contacting all four landowners involved and walking the area extensively, the team was not able to locate any evidence of an ancient road; one of the four owners expressed an interest in the Town's keeping the road; the Committee decided that there should be additional mapping done, based on existing survey information; Paul Hannan agreed to prepare the map, and give it to Reed, Gail and John.
16. Shubel Shortt Spur – off Lightening Ridge Road (.2 mile)
(Not assigned yet) The Committee had agreed at an earlier meeting to consider this spur at the same time as the Silas Hathaway Spur (which is on CART's second list), since the two are in the same area and may be linked.
20. Elijah White Spur (formerly Willard Lane – off Max Grey Road (.05 mile)
(Bassage, Shedd) Because the landowner had decided not to participate in the process, the team was unable to make a site visit; Warner felt that the Committee should not make a recommendation, if it can't make an investigation in the field; Darby said that it was not necessary to make a decision at this time, and the matter can be addressed at a later time; Paul agreed to do some additional map work and give it to Charlotte and Warner.

After the Committee had voted on the above, Darby noted that on June 8, the Selectboard will hold an informational meeting, followed by a public hearing, on a petition that the Selectboard undertake a "mass discontinuance" of all invisible ancient roads. Darby invited the Committee members to participate with him during the informational phase, and to express their individual views on the petition during the public hearing, if they wished. Work on the second CART list of "Longer Spurs and Other Anomalies" won't start until after the Selectboard have acted on the petition, which is expected to be on June 14.

There being no other business, the meeting was adjourned at approximately 8:45 pm

Prepared by Darby Bradley, Recorder.

Approved: September 22, 2010

Calais Committee on Unmapped and Unmaintained Roads

Minutes of Meeting Monday, June 21, 2010

Calais Town Hall

Committee members present: Darby Bradley (chair), Reed Cherington, Paul Hannan, Gail Graham, Warner Shedd, Charlotte Hanna Bassage

Others attending: Scott Bassage, Denise Wheeler, Cy Lamberton, Dot Naylor, Jim Hoague

The committee convened at 7:05pm. Darby reviewed the committee's charge and the Selectboard's vote of the previous week to discontinue all invisible roads ("not observable by physical evidence"). The vote was 4-1. Darby said the vote changes, but does not eliminate, the committee's work.

Several committee members spoke about the vote, expressed disappointment, and confusion about many aspects of its meaning, and asked whether the Selectboard will support the committee's work in the future. Darby suggested that people put their questions in writing to the Selectboard, and that the board meet another time to answer those questions. Darby also read a note from Marge Garfield which stated that the discontinuance vote was good news and an appropriate action because it eliminated many roads whose location was uncertain.

Charlotte moved and Reed seconded a motion to accept the committee's minutes of April 17, 2010 and May 24, 2010. The minutes were approved with one spelling correction (Shubel Shortt spur) 5-0-1 and 6-0 respectively.

Darby then explained 4 examples of roads described in the document dated 6/21/2010 titled "Mass Discontinuance: What Ancient Roads are Affected? (Proposal for discussion by Darby Bradley." The document also sets forward a process for considering each of the 4 examples. This is needed given that the statutes do not specify how to categorize roads that are partially but not wholly visible. Where this occurs, Darby suggested that the committee look at and figure out each on a case by-case basis.

Reed asked whether the Selectboard agreed with the process outlined in the document. Denise, Scott and Cy all said yes. After further discussion, the committee agreed to use the document as a working document.

Darby then reviewed the list of 20 roads included in the May 24 minutes to determine which were invisible and therefore discontinued, and so required no

further action from the Selectboard. Each was labeled visible, invisible or uncertain. The committee will not address those labeled invisible.

Invisible:

- 2. Adams White Rd.
- 3. Carver Rd. spur
- 5. Ezekiel Kent spur (already discontinued)
- 10. Jason Marsh spur
- 13. Nahum Templeton spur
- 15. Richard Tobey spur
- 18. Thayer Rd.
- 19. Fitch-Willard spur.

Visible:

- 7. Hackett Rd spur
- 8. J. D. Bailey Rd. spur
- 14. Nathaniel Hershey spur
- 17. Solomon Dodge spur
- 9. Tisdale Hawkins Rd.

Uncertain (and needs more work):

- 1. A. King spur
- 6. H.J. Jacobs Rd.
- 11. John Bancroft Rd.
- 12. Mason Wheeler Rd.
- 20. Elijah White spur.

No action (as before):

- 4. Daniel Parsons spur.

Wait (as before):

- 16. Shubel Shortt spur.

Darby turned to the 5/9/2010 DRAFT document "Longer Spurs and Other Anomalies." He explained that John Meyer was identified as a mapper for several roads; his maps would then compare with those done by Paul as corroboration. The committee went through the list of 20 to again identify those which are visible, invisible or uncertain. Several revisions were made to the list; Darby will redo the list and resend it. **Small teams will verify the labels, conduct preliminary investigations, and report back to the committee by the end of the summer.** The Committee of the Whole will then walk, assess and recommend to the Selectboard. Whenever the Committee of the Whole meets, it must be warned, and landowners will be invited to join those sessions.

Audience members asked questions, and the committee

Adjourned at 9:00pm.

Charlotte Hanna Bassage, Recorder

Approved: December 1, 2010

**MINUTES OF SEPTEMBER 22, 2010 MEETING OF THE CALAIS
COMMITTEE ON UNMAPPED AND UNMAINTAINED ROADS.**

The committee met at the Calais Town Hall. Board members present were Darby Bradley, Chair; Eric Sorenson; Reed Cherington; Gail Graham; and Warner Shedd.

Members of the public who attended were Chris Reed; Dot Naylor; John Brabant (Calais Selectboard); Ken Miller; Rose Pelchuck; and Marge Garfield.

Darby announced that Paul Hannan has resigned from the committee. However, he will still be available to assist with survey questions and road locations.

Eric moved acceptance of the June 21, 2010 meeting, seconded by Reed. Approved unanimously.

There was discussion of the Selectboard's vote for mass discontinuance and the previous night's special town meeting, which reaffirmed it. Darby presented his views of what the vote meant for our committee. We still have the task of making recommendations to the Selectboard on the remaining roads and spurs. It was recommended that the term "invisible" roads should be dropped, and "clearly observable" be substituted in order to be consistent with the statutory requirements.

Warner criticized a letter from the Selectboard, which was distributed at the previous night's special town meeting. He said that directing the Board's defense of its previous vote for mass discontinuance against one person, by name, was outrageous, and that the letter contained unnecessary editorializing which called into question the Selectboard's fairness on the Ancient Roads issue.

A question was asked: if an unobservable road has been discontinued via the mass discontinuance vote, will the landowner(s) be notified? Darby responded that our committee is not responsible for that, since it is the Selectboard that votes for the discontinuance. The landowner or landowners who have unobservable roads on their land(s) should contact the Selectboard for confirmation of discontinuance.

The remaining Short Spurs were then discussed. The recommendations are to discontinue the A. King spur and to delay a decision on the H.J. Jacobs road pending further investigation. Eric will attempt to find the John Bancroft road. No action is to be taken on the Elijah White spur, and we need to wait for more information on the Shubel Shortt spur.

The Longer Spurs were then discussed. The committee itself should verify whether a particular ancient road is unobservable, and not simply rely upon the findings of a member of the public. Darby divided the Longer Spurs into two groups. Group I will be assigned to 2-3 person teams; Group II will be inspected by a committee of the whole.

Darby will mail out the assignments for Group I in the near future. The Group II Longer Spurs will be investigated in the spring 2011.

There was a discussion about how much documentation there is, and how much is needed, for each of these Group I and II Longer Spurs. Marge Garfield offered to review the list and let the committee know how much documentation there is for each one. The committee can then decide which ones we should view.

It was decided to hold the next committee meeting on Wednesday, December 1. The meeting then adjourned at 8.25 P.M.

Submitted by Warner Shedd

Approved: December 1, 2010

Approved: April 4, 2011

Minutes of the Meeting of the
Calais Committee on Unmapped and Unmaintained Roads
December 1, 2010

Committee members present: Darby Bradley, chair; Reed Cherington, Eric Sorenson, John Meyer, Charlotte Hanna Bassage, Warner Shedd

Others attending: Scott Bassage, Bob Fairbanks (attorney), Syver and Mary Rogstad, Tony French, Chris Reed, Richard Czaplinski

1. **Reed moved acceptance of the September 22, 2010 minutes**, as amended; seconded by Eric. Approved unanimously. The amendment clarified that the committee had delayed a decision on the **H.J. Jacobs Road**.

Before the Committee got to the remainder of its agenda, Warner Shedd raised a question about the scope of the Committee's charge, and whether the Selectboard intended that the Committee look at Class 4 roads and other unmaintained roads which appear on the official town highway map. Darby Bradley agreed that the Committee Charge, as adopted by the Calais Selectboard on 2/22/2010 could be read that way, it was his understanding from discussions with Selectboard members that the Committee is only looking at Ancient Roads that are both unmapped and unmaintained. Scott Bassage, speaking as an individual member of the Selectboard, confirmed that that was his understanding as well.

2. Field Team Reports and Recommendations (Short Spurs)

The Committee first addressed the Short Spurs that had not been voted on at earlier meetings. In cases where the Committee found that an Ancient Road was "not clearly observable by physical evidence of a road or trail", the Committee recommended "No Action", because the Town had already voted for "mass discontinuance" of these ancient roads. However, the Committee added a caveat that if clearly observable evidence is subsequently discovered so that the vote for mass discontinuance does not apply, the Committee recommends that the road be discontinued. All votes were unanimous.

A. King Spur (off Woodbury Mountain Road). John Meyer and Paul Hannan were not able to discover its location, and therefore found no clearly observable evidence.
Recommendation: No Action.

H.J. Jacobs Road (off West County Road). Meyer had investigated this road and found no clearly observable evidence. At one time, it may have coincided with the West County Road, but was obliterated by the latter's relocation. Recommendation: No Action.

Tisdale Hawkins Road (off Stevenson Road). Sorenson and Bassage walked this spur with Meyer. The road is clearly visible, but the field team found no significant public benefit in retaining its existence. Landowners have requested discontinuance. Recommendation: Discontinuance. Meyer recused himself from the vote.

John Bancroft Road (off Longmeadow Hill Road). Sorenson had found no clearly observable evidence of the road, which was confirmed by landowners Darby Bradley and John Kaeding. Recommendation: No Action. Bradley recused himself from the vote.

Mason Wheeler Road (off Collar Hill Road). Reed Cherington and Gail Graham found no clearly observable evidence of the road, which was confirmed by several landowners. Recommendation: No Action.

Elijah White Spur (off Max Grey Road). Bassage and Shedd had been assigned to this spur. However, the landowner declined to participate, so the Committee decided not to make a recommendation. Recommendation: None. Note: If this spur is not "clearly observable", it has been discontinued as a result of the Town's vote for mass discontinuance.

Because the Committee had voted on its recommendations for many of the Short Spurs before the Town's vote on mass discontinuance, it reviewed all the remaining Short Spurs. Where the field team had found no clearly observable evidence of a road or trail, the Committee changed its recommendations from "Discontinuance" to "No Action" with the same caveat described above. In all other cases, the Committee confirmed its earlier decision.

Adams White Road (off Max Grey Road). Not clearly observable. Recommendation: No Action.

Carver Road Spur (off Route 14). Recommendation: Discontinue.

Daniel Parsons Spur (near or coincidental with #10 Pond Road. Recommendation: No Action so as not to unintentionally discontinue #10 Pond Road. If the spur is not coincidental with #10 Pond Road, it has been discontinued by virtue of the Town's vote.

Ezekiel Kent Spur (off Tobey Hill Road). Not clearly observable. Recommendation: No Action.

Hackett Road Spur (off West County Road near Woodbury line). Recommendation: Discontinue.

Nathaniel Hersey Spur (off Longmeadow Hill Road). Recommendation: Discontinue.

J.D. Bailey Road Spur (off Woodbury Mountain Road). Recommendation: Discontinue.

Jason Marsh Spur (in Gospel Hollow). Not clearly observable. Recommendation: No Action.

Nahum Templeton Spur (off Haggett Road in East Montpelier). Not clearly observable. Recommendation: No Action.

Richard Tobey Spur (off County Road). Not clearly observable. Recommendation: No Action.

Salomon Dodge Spur (near Adamant). Recommendation: Discontinue.

Thayer Road (east of West County Road). Not clearly observable. Recommendation: No Action. Meyer recused himself from the decision.

Fitch-Willard Spur (off Route 14 near Pekin Branch). Not clearly observable. Recommendation: No Action.

3. Field Team Reports and Recommendations (Longer Spurs – Group I)

The Committee then turned to the findings and recommendations of the field teams assigned to the first group of Longer Spurs.

Chickering Bog Road (off Lightening Ridge Road to East Montpelier line). Bradley reported that because of scheduling conflicts, he had not been able to walk the road with the landowners, The Nature Conservancy, or the snowmobile club. The road is reported to be quite visible. However, no survey of the full road has been found, although a survey of a small portion of the road appears in the town records. TNC holds a legal right of way over most of the road for access to Chickering Bog, although that does not extent to the East Montpelier line. The snowmobile club maintains a trail

on this road in the winter. The Committee decided to defer any action until the investigation has been completed and all interested parties have expressed their opinions.

Dodge Road (near Blue Pond and Woodbury line). Bradley and Meyer had not been able to do a site visit, so a decision will be postponed until spring.

Durant Road (winter road at north end of Blachly Road near Marshfield line). Shedd and Bradley investigated this road. They found an old cellar hole that appears on a map to be close to the southern end of the road. However, they found no clearly observable evidence of the road at either end. The landowner is interested in having a trail, but a better location could be found. Recommendation: No action because road is not clearly observable. If Town is interested in locating a trail in this vicinity, the Calais Trail Committee is urged to contact the landowner.

Grist Mill Road I (in East Calais Village). Sorenson, Bassage and Graham were assigned to this spur. The field team found contradictory surveys of the road, including one which doesn't seem to go near the old grist mill, whose foundation is still clearly observable. At least one landowner wants the road discontinued, while others want to ensure that they will have continued access to their lands. Because the spur is in a village area and more information needs to be gathered, the Committee decided to review this spur as a Committee of the Whole before making a recommendation. The field visit in the spring will also include a review of Grist Mill Road II and Symonds Road at the same time.

Grist Mill Road II "Shortcut" (just west of Grist Mill Road 1). This spur was also reviewed by Sorenson, Bassage and Graham. A road is observable, but it may not be the original ancient road because considerable grading and change has occurred in this area. The landowner would like the road discontinued. The full Committee will schedule a site visit in the spring.

Ormsby Road – North Fork (off Mirror Lake Rd. starting at Altman's). Cherington could find no survey of the North Fork in the Town files, although Marge Garfield says it exists. The road does not appear to be visible, and may therefore be already discontinued. The Committee decided to postpone a decision, until it can look at all three Ormsby Road spurs in the spring.

Ormsby Road – South Fork. Cherington reported that portions of what may be the South Fork are observable, but that a portion (not clearly observable) appears to cross a significant wetland. As the route is uncertain, not all possible landowners have yet

been contacted. Further action was postponed until the full Committee could make a site visit in the Spring.

Ormsby Road – Herb Scribner Road (includes most of Mirror Lake Road and portions of the North and South Fork). Good documentation does exist for this road. Reed felt that there may be a significant public interest in keeping this road, although the public interest may be satisfied by a trail easement in a different location, if the landowners are willing. The Committee postponed any decision until it could conduct a site visit in the spring. Only the sections that are not co-incidental with Mirror Lake Road will be examined for discontinuance.

Perez Wheelock Road (off Batten Road). Bassage and Shedd had not yet been able to make a site visit, so a decision was postponed until spring.

Putnam Road (at extreme southwest corner of Calais). Cherington and Bradley have hiked over rough terrain with the landowner's forester, and found that portions of the road heading into Worcester are clearly observable. They also found the pin that marks the corner of four towns. The field team concluded that with no reasonable access to the road from Calais and only one ownership is affected, there is no significant public interest in keeping the road. Recommendation: Discontinue.

Symonds Road (west of Route 14 and south of East Calais Village. Sorenson, Bassage and Graham had been assigned to this road. It lies south of the Grist Mill roads, and though portions are clearly observable, it is unclear whether visible portions are what is documented and surveyed. The landowners wish to have the road discontinued, although it is located in an area that is recommended for village expansion under the town plan. The Committee decided to postpone any decision until the full Committee could look at this road, as well as Grist Mill Roads I and II in the spring.

White Road (off Max Gray Road to Marshfield line). Meyer and Shedd reported that no survey exists for this road, so by definition it is not clearly observable. The Committee decided there is no point in spending more time investigating this road. Recommendation: No Action.

4. Field Team Reports (Longer Spurs – Group II)

The field teams examined two other Longer Spurs while they were in the area:

Joseph Brown's Road (near West County Road and crossing Stevenson Road and the Tisdale Hawkins Spur). Sorenson and Bassage examined this road with assistance from

Meyer. Portions of the road are clearly visible. One section overlaps and is contiguous with the Tisdale Hawkins Spur. In fact, the road predates the Tisdale Hawkins and Stevenson Road. However, the field team found no significant public interest warranting continuing the road. Recommendation: Discontinuance. Meyer recused himself from the vote.

Newton Road (from Lightening Ridge Road to East Montpelier line, west of Chickering Bog Road). Cherington and Shedd walked the road with two of the four landowners. The Nature Conservancy owns Chickering Bog just east of the road, and wants the road discontinued so that it can control access to this natural area through its right-of-way along Chickering Bog Road. Landowners Richard Czapinski and Chris Reed appeared at the meeting to ask the town to discontinue the town road, although they were concerned about not losing access to their properties. Czapinski also noted that because the road is in a headwaters and wildlife area, discontinuance would help protect these values. East Montpelier has decided to give up any public right of way on its side of the Calais line. After discussion, the Committee voted to recommend that the Town discontinue the road, but in doing so the Selectboard should express the intent that landowners will continue to have a right of way to access their land. The landowners were urged to stay in contact with the Selectboard on this as the discontinuance process moves forward. Recommendation: Discontinuance.

5. The Committee's Remaining Work.

The Committee then discussed and agreed upon a plan to complete its investigation and recommendations of the remaining Longer Spurs. Some will be assigned to a one-to two-person field teams. Others will be completed by the Committee of the Whole. In these cases, the Committee assigned one member to review the documentation in the Town's files, contact the landowners, and otherwise make the preparations for Committee's site visit.

A.S. Nelson Road and Spur (on and near Lilly farm) – Committee of the Whole. Eric Sorenson – coordinator.

Dodge Road – John Meyer and Darby Bradley, field team.

Grist Mill Roads I and II and Symonds Road – Committee of the Whole. Eric Sorenson – coordinator.

Ormsby Roads (North and South Forks and Herb Scribner Road) – Committee of the Whole. John Meyer and Reed Cherington – coordinators.

Perez Wheelock Road – Charlotte Bassage and Warner Shedd, field team.

Silas Hathaway Road, Sheple Road and Shubel Shortt Spur (north of Lightening Road and near Leonard and Singleton Roads) -- Committee of the Whole. Darby Bradley – coordinator.

Sparrow Road Extension (from Martin Road to Bliss Pond Road, but may not be clearly observable) – Charlotte Bassage, field team, with requested assistance from Conrad Smith.

Watson Pond Road (east of West County Road) – Committee of the Whole. John Meyer – coordinator.

West Curtis Pond Road (off West County Road and north of Curtis Pond) – Committee of the Whole. John Meyer – coordinator.

6. Mid-Winter Meeting.

The Committee decided that it should meet again before the spring field visits to discuss the criteria by which it will evaluate whether there is a significant public benefit or interest in maintaining an ancient road. Three or four draft versions of these were circulated by Committee members at the beginning of the review process that could be used as guidelines, but the Committee decided to postpone any final decision on its criteria until it had gained experience in the field. Since the committee did not find any conflict between public and private interests in any of its decisions to date, it was not important to finalize the list earlier. However, since some of the remaining ancient roads may present such a conflict, the Committee decided that it was important to finalize its criteria before conducting the final round of field visits, so that landowners and the public would know how the Committee will decide upon its recommendations.

The Chair will schedule a meeting of the Committee soon after Town Meeting in March, and will recirculate the various drafts of the criteria to the Committee.

Meeting adjourned at 9:05 pm.

Respectfully submitted (and greatly applauded),

Charlotte Hanna Bassage

**Report of the Calais Committee on Unmapped
And Unmaintained Road (Ancient Roads)**

The Committee was appointed in February to investigate all unmapped and unmaintained roads discovered in the Town records by the Calais Ancient Roads Team (CART), and to make a recommendation to the Selectboard on whether the Town should discontinue or add any of the roads to the official Town Highway Map. Led by Marge Garfield and Sandra Robinson, CART had found 40 such “ancient roads” in existence. The new committee was asked to review the documentation for each road (surveys, laying out process, etc.), contact the landowners to determine their wishes, and conduct a field review.

During the spring, early summer and fall, the Committee completed its review of 24 of the 40 ancient roads. Progress was delayed somewhat, while the Selectboard heard and later voted on a petition for “mass discontinuance” for all ancient roads that are not “clearly observable by physical evidence of a road or trail”. This vote was subsequently challenged by a second petition, but was ultimately ratified by the Town’s voters in a special Town meeting held on September 20. The Town’s vote did affect some of the Committee’s recommendations, although not the ultimate outcome. In cases where the Committee had recommended “Discontinuance” in May, it changed its vote to “No Action” in December, where the review teams could find no clearly observable evidence of the road in the field.

Of the 24 cases completed to date, the Committee has recommended formal discontinuance in 9 cases. In each case, physical evidence of the road was found and the landowners requested discontinuance. In reaching its recommendation, the Committee found no significant public interest or benefit in maintaining the road. In 13 other cases, the Committee recommended “No Action”. It had found no physical evidence of the road in the field, and therefore concluded that the road had been discontinued by the Town’s vote. In one case, the Committee recommended “No Action”, because the landowner declined to participate and the Committee was unable to complete its investigation. In one other case, the Committee was unable to determine whether the ancient road is now part of #10 Pond Road, and therefore recommended “No Action”, so that the Town did not inadvertently discontinue both roads.

The Committee has 16 ancient roads remaining to review. In three cases, the review will be made by one or two person field teams, which will bring their findings and recommendations to the Committee. The others will be reviewed by the Committee as a whole sometime in 2011. A Committee member has been assigned to each road to review the documentation, contact the landowners and make arrangements for the field visit. These field visits will be official public meetings, so that a public notice will be posted in advance and the public will be given an opportunity to participate.

In any event, the Committee’s decisions constitute only recommendations. Other than the invisible roads that have already been discontinued, the final decision on whether to discontinue

or add any visible ancient road to the Town highway map will be made by the Calais Selectboard.

For those Calais residents who would like to have more information about a particular ancient road and the action the Committee has taken to date, we recommend that they review the Town's website **www.calaisvermont.gov**. Gary Root has posted a map showing the approximate location of each road. The website includes a file for each road for which the Committee has completed its review. The minutes of the Committee's meeting of December 1, 2010 also summarize the status of the 40 ancient roads.

Members of the Committee include Charlotte Hanna Bassage, Darby Bradley (Chair), Reed Cherington, Gail Graham, John Meyer, Warner Shedd and Eric Sorenson. Paul Hannan also participated in the early stages of the Committee's work.